

STIP

MICHAEL N. AISEN, ESQ.
Nevada State Bar No. 11036
ADAM L. GILL, ESQ.
Nevada State Bar No. 11575
723 South 3rd Street
Las Vegas, NV 89101
P: (702) 750-1590
F: (702) 548-6884
Attorneys for Defendant
Francisco Mares

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

11 | VS.

RENATO CONSUEGRA-CLEMENTE,
Aka "Tito," and FRANCISCO JAIVER
MARES, Aka "Pancho."

Defendants

Case No: 2:20-CR-00018-JCM-EJY

**STIPULATION TO CONTINUE
CALENDAR CALL AND TRIAL DATE**

IT IS HEREBY STIPULATED AND AGREED, by and between Allison Reese, Assistant United States Attorney, counsel for the United States of America, Adam Gill, Esq. and Michael N. Aisen, Esq., of Aisen, Gill & Associates, counsel for Defendant FRANCISCO MARES, and Rene L. Valladares, Federal Public Defender, and Paul D. Riddle, Assistant Federal Public Defender, counsel for Defendant RENATO CONSUEGRA-CLEMENTE, that the trial currently set for August 10, 2020 at 9:00 a.m., be vacated and continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

This stipulation is entered for the following reasons:

1. The parties have discussed this matter and in light of the concerns surrounding the COVID-19 virus, it is in the best interest of the Government and the Defendants that this matter be continued

2. In addition, counsel for the defendants need additional time to conduct investigation in this
case in order to determine whether there are any pretrial issues that must be litigated and
whether the case will ultimately go to trial or will be resolved through negotiations.
3. Mr. Mares is not in custody and he agrees with this continuance.
4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.
5. The parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but to allow
counsel for defendants sufficient time within which to be able to effectively and
completely investigate the discovery materials provided.
7. Additionally, denial of this request for continuance could result in a miscarriage of justice.
The additional time requests by this Stipulation is excludable in putting the time within
which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
States Code, Section 3161(h)(7)A), considering the factors under Title 18, United States
Code, Section 3161(h)(7)(B)(i), (iv).
8. This is the second request to continue trial dates filed herein.

19 /s/ Adam L. Gill
20 Adam L. Gill, Esq.
21 Counsel for Defendant
 Francisco Mares

25 /s/ Paul D. Riddle
26 Assistant Federal Public Defender
Counsel for Defendant
Renato Consuegra-Clemente

1 **FOF**
2 MICHAEL N. AISEN, ESQ.
3 Nevada State Bar No. 11036
4 ADAM L. GILL, ESQ.
5 Nevada State Bar No. 11575
6 723 South 3rd Street
7 Las Vegas, NV 89101
8 P: (702) 750-1590
9 F: (702) 548-6884
10 Attorneys for Defendant
11 Francisco Mares

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 vs.

17 RENATO CONSUEGRA-CLEMENTE,
18 Aka "Tito," and FRANCISCO JAIVER
19 MARES, Aka "Pancho,"

20 Defendants.

21 Case No: 2:20-CR-00018-JCM-EJY

22 **ORDER**

23 **FINDINGS OF FACT**

24 Based on the stipulation of Counsel, and good cause appearing, the Court finds that:

- 25 1. The parties have discussed this matter and in light of the concerns surrounding the
26 COVID-19 virus, it is in the best interest of the Government and the Defendants that this
27 matter be continued.
- 28 2. In addition, counsel for the defendants need additional time to conduct investigation in this
case in order to determine whether there are any pretrial issues that must be litigated and
whether the case will ultimately go to trial or will be resolved through negotiations.
3. Mr. Mares is not in custody and he agrees with this continuance.
4. Mr. Consuegra-Clemente is incarcerated and does not object to the continuance.
5. The parties agree to the continuance.
6. The additional time requested herein is not sought for purposes of delay, but to allow

counsel for defendants sufficient time within which to be able to effectively and completely investigate the discovery materials provided.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requests by this Stipulation is excludable in putting the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

CONCLUSIONS OF LAW

10 The ends of justice served by granting said continuance outweigh the best interest of the
11 public and the defendants in a speedy trial, since the failure to grant said continuance would be
12 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
13 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
14 account the exercise of due diligence.

16 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
17 States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States
18 Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the calendar call currently scheduled for August 5, 2020, at the hour of 1:30 p.m., be vacated and continued to _____ at the hour of ___:___ a.m.; and the trial currently scheduled for August 10, 2020, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of ___:___ a.m.

Dated this _____ day of _____, 2020.

UNITED STATES DISTRICT JUDGE